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FACSIMILE TRANSMITTAL SHEET

To: Examiner Charles A. Marmor, II

FIRM/COMPANY: U.S. Patent and Trademark Office /

Mail Stop Amendment

FACSIMILE NUMBER: 703.872.9306

CONFIRMATION 703.308.0858 (receptionist) or TELEPHONE: 703.305.3521 (C.A. Mannor)

FROM: Anne Marie Leavy for Edward J. Lynch

DIRECT DIAL: 415.371.2217

DATE: December 17, 2004

User Number: 5121

FILE NUMBER: Docket No. R0367-0030.2

TOTAL # OF PAGES: 14

(INCLUDING COVERSHEET)

MESSAGE: Attached is a Supplemental Amendment and Response to the

Office Action mailed 6/15/2004 and Terminal Disclaimer in connection with patent application Serial No. 10/650,027, filed

August 27, 2003.

Please confirm receipt of this facsimile.

NOTE: Original will NOT follow

CONFIDENTIALITY NOTICE

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If there is a problem with this transmission, please call us as soon as possible at 415.371.2200.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE											
In re	the application of Burbank et	Examiner: C. A. Marmor, II									
For:	ELECTROSURGICAL B AND METHOD	(CE)) Group Art Unit: 3736)								
Seria	1 No.: 10/650,027		į								
Filed	: August 27, 2003)) TRANSMITTAL								
Atty.	Docket No.: R0367-00302	, ;									
CERTIFICATE OF MALLING/FACSOMILE I'URSUANT TO 37 C.F.R. §1.8 I hereby certify that this these papers are being som by facsimile to (703) \$72-9306, addressed to Examiner C.A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box A450, Alexandria, VA 2312 1450, on December 17, 2004, in San Francisco, CA. Anno Marie Leave											
Mail Stop Amendment											
Commissioner for Patents											
P.O. Box 1450											
Alexandria, VA 22313-1450											
Dear Sir: Supplemental											
1.	Transmitted herewith for filing in the above-identified patent application is a An Amendment and Response to Office Action Mailed 06/15/2004 and Terminal Disclaimer by Attorney.										
2.	Claim Fee Calculation						•				
2.	X No additional claim	fee is required	l.								
	Amendment increas	es number of c	laims or mul								
Additional Claim Fee Calculation											
	Description										
	Independent Claims	2201	5-5=	0 x	\$100=	\$-0-					
	Total Claims	2202	33 – 33 =	0 x	\$25= ue	\$-0-					
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3.	Additional fees: Terminal Di	sciaimer iee u	nger 37 CFR								
		•		Total F	ees Due	\$55					
4.	Payment of Fees	C 4 (15	4		- c	•					
	Enclosed is a check for the total fees due in the amount of										
	X The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to										
	Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302.										
A duplicate copy of this document is enclosed.											
\sim / \sim /											
By: / West /											
Edward J. Lynch											
			Registration	No. 24,	422						
Duan	e Morris LLP										
	Market										
	Tower, Suite 2000										
	Francisco, CA 94105										
Ulrea	et Dial: (415) 371-2267										

Facsimile: (415) 371-2201

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PATENT

	IN THE UNITED STAT	ES PATEN	IT AND TI	RADEMA	RK OFFI	CE						
In re the a	pplication of Burbank et al.	Examiner: C. A. Marmor, II										
	or: ELECTROSURGICAL BIOPSY DEVICE AND METHOD) Group Art Unit: 3736								
Serial No.	: 10/650,027		į	1								
Filed: Au	igust 27, 2003	TRANSMITTAL										
Atty. Doc	ket No.: R0367-00302											
I hereby co Amenda	CERTIFICATE OF Mertify that this these papers are being sont nent, Commissioner for Patents, P.O. Box	TLING/FACSION TRESSECTION (FC) A450, Algorithms ALL A AA Anna Mari	03) 872-9306, ad LVA 32312-145	dressed to Exan 0, on <u>December</u>	.R. §1.8 niner C.A. Marr - <u>17, 2004,</u> in Sa	nor, II, at Mail Stop in Francisco, CA.						
Commissi P.O. Box	Amendment oner for Patents 1450 a, VA 22313-1450		0									
Dear Sir:			•			Supplemental						
1. Trai	nsmitted herewith for filing in Response to Office Action 1	in the above	rideritified :	patent app Terminal	lication is : Disclaime:	a Amendment						
	Independent Claims	2201	5 – 5 =	0 x	\$100=	\$-0-						
	Total Claims	2202	33 – 33 =		\$25=	\$-0-						
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3. Add	litional fees: <u>Terminal Disc</u>	<u>laimer fee u</u>	nder 37 CF			<u>\$55</u>						
				Total F	ees Due	\$55						
4. Payment of Fees Enclosed is a check for the total fees due in the amount of The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-00302. A duplicate copy of this document is enclosed. By: Edward J. Lynch Registration No. 24,422												
	orris LLP											
One Mar	ket wer, Suite 2000											
	cisco, CA 94105											
	ial: (415) 371-2267			•		·						

Facsimile: (415) 371-2201

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of Burbank et al.

Examiner: C. A. Marmor, II

Group Art Unit: 3736

For: ELECTROSURGICAL BIOPSY DEVICE

AND METHOD

Serial No.: 10/650,027

Filed: August 27, 2003

. .. ______

AND RESPONSE

TO OFFICE ACTION MAILED 06/15/2004

Atty. Docket No.: R0367-00302

CERTIFICATE OF MARINGIFACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by fassimile to (712) 872,7376, addressed to Examiner C. A. Marmor, II, at Mail Stop Amendment, Commissioner for Patents, P.O. Box 1950, Alexandra, VA 2 2312-1450, on December 17, 2004, in San Francisco, CA.

Anne Maric Leav

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Communication mailed on November 22, 2004 and in further response to the Office Action mailed June 15, 2004, the applicants hereby resubmit the entire Amendment to the claims section of the non-compliant amendment filed on September 14, 2004. The claim amendments have been corrected to include permissible status identifiers.